



City of
Peterborough

TO: Members of the Planning Committee

FROM: Ken Hetherington, Manager, Planning Division

MEETING DATE: August 27, 2012

SUBJECT: Report PLPD12-051
Parts of 1597, 1607, 1619 and 1633 Lansdowne Street West

PURPOSE

A report to evaluate the planning merits of amending the Zoning By-Law for the properties known as Parts of 1597, 1607, 1619 and 1633 Lansdowne Street West from the R.1,1e,2e,4d – Residential District; and the D.2 – Development District to a modified SP.268-244 – Special Commercial District.

RECOMMENDATIONS

That Council approve the recommendations outlined in Report PLPD12-051 dated August 27, 2012, of the Manager, Planning Division, as follows:

- a) That Section 3.9 of the City's Comprehensive Zoning By-Law #97-123, be amended by replacing Exception 244 in accordance with the draft amendment, attached as Exhibit 'C'; to Report PLPD12-051 as follows:
 - i) Delete the reduced width of landscaped open space of 8 metres along the westerly-most lot line of the properties, and require the standard 10 metre width of the landscaped open space; and
 - ii) Permit a bank, loan company or other financial institution as an additional use of the property.
- b) That the zoning of the subject properties, be amended from the R.1, 1e,2e,4d – Residential District and the D.2 – Development District to a modified SP.268 – 244 – Special Commercial District in accordance with the draft amendment attached as Exhibit 'C' to Report PLPD12-051.

BUDGET AND FINANCIAL IMPLICATIONS

There are no direct budget or financial implications to the City arising from the approval of this application. Cash in lieu of parkland will be required where applicable.

RATIONALE

Approval of this Zoning By-Law Amendment is based upon the following:

The lands are designated 'Commercial' on Schedule 'A' – Land Use and 'Service Commercial' on Schedule I – Commercial Areas of the City's Official Plan. The application proposes to implement the 'Service Commercial' policies of the Official Plan with a restricted list of permitted uses and site specific regulations to ensure compatibility with the adjacent residential lands to the east and to reflect the limited size of the subject lands.

The development of the lands will be subject to Site Plan Approval including provisions for road widening and stormwater management.

BACKGROUND

The subject application was received and deemed to be complete on May 11, 2012 and was processed in accordance with department procedures. The Planning Act allows applicants to appeal Zoning By-Law Amendment Applications after the expiry of 120 days of the application being deemed complete. The applicant is in a position to file an appeal to the Ontario Municipal Board any time after September 10, 2012.

The subject property is comprised of the northerly portions of 4 parcels located on the south side of Lansdowne Street West, west of Spillsbury Drive east of Brealey Drive and is situated between commercial lands to the east (Discount Car Rental) and residential lands to the west and south. The land currently supports single unit dwellings on the northerly portions of 1607, 1619 and 1633 Lansdowne Street West, while the northerly portion of 1597 Lansdowne Street West is vacant.

The zoning of the lands is currently divided into three different Zoning Districts. The portion of the subject lands located at 1597 Lansdowne St. W. is zoned SP. 268-244 – Special Commercial District, the front portion of 1607, 1619 and 1633 Lansdowne St. W. is zoned R.1,1e,2e,4d – Residential District and a small portion is zoned D.2-Development District. The properties have a depth of approximately 70.5m (231 ft.). The applicant has applied for a draft plan of subdivision approval for the southerly portion of the properties. The commercial zoning on the most easterly portion (1597 Lansdowne St. W.) was applied to the property by way of a zoning amendment in 2009

and the development of a car wash was contemplated at that time, but not developed. The applicant has since acquired this property and proposes to develop these lands in conjunction with the other 3 properties to the west. The application proposes to extend the SP. 268 – Special Commercial District to the balance of the lands with a modified Exception 244 to increase side yard setbacks from the westerly lot line and to include a bank, loan company or other financial institution as a permitted use in addition to those permitted in the SP.268 Zoning District.

The application proposes to amend the zoning of the lands to extend a modified Service Commercial Zoning District (SP.268 - 244) to permit the redevelopment of the lands for service commercial uses with site specific regulations to ensure compatibility with the adjacent residential uses. The owner proposes to replace the existing dwellings with a new single storey commercial building with parking in the front and side yard.

The applicant has revised the original concept to illustrate a stand alone bank on the westerly portion of the lands versus a restaurant as originally illustrated on the concept plan to address concerns expressed by the neighbours at a neighbourhood open house held on June 27, 2012 with regard to outdoor patio space and potential noise, as well as food delivery to the restaurant use. The neighbourhood open house provided information regarding the subject application as well as the adjacent proposed draft plan of subdivision. The majority of the comments provided at the open house addressed the proposed residential draft plan of subdivision, save and except concerns about the location of a potential restaurant at the westerly portion of the lands and whether two proposed commercial driveways to Lansdowne Street West is necessary/appropriate, given the restrictions for residential driveways for lots backing onto Lansdowne Street West.

ANALYSIS

a) Official Plan

The lands are currently designated 'Commercial' on Schedule 'A' of the City of Peterborough Official Plan and 'Service Commercial' on Schedule 'I' – 'Commercial Areas'.

The purpose of the 'Special Purpose Commercial' designation of the property, is to provide *"for a broad range of commercial services, commercial recreational and institutional uses and a restricted range of retail commercial uses, which are not appropriate in the other commercial designations or have particular site, access or storage/display requirements."*

Permitted uses within the 'Service Commercial' designation include automotive-oriented commercial uses and uses that cater to the travelling public including hotels, motels, eating establishments, commercial recreation and assembly uses, and also includes small scale office and personal and financial services. Retail commercial uses are

limited to those that require large sites to accommodate extensive open or enclosed display or storage areas.

The introduction of the proposed permitted uses, reflects the types of uses contemplated by the Service Commercial designation appropriate with the limitations of the size of the property. In addition, the site specific regulations will ensure compatibility with adjacent residential uses to the west.

The policies further require that new development and redevelopment provide for the integration of parking and access points with abutting uses and the provision of landscaping that is adequate. The proponent intends to merge the parcels.

b) Zoning By-Law

The subject property proposes an amendment to the Zoning By-Law from the R.1,1e,2e,4d – Residential District and D.2- Development District to the SP.268 - 244 – Commercial District (Special Commercial) to permit Service Commercial uses.

The proposed zoning would permit the following uses:

- a) a video rental establishment
- b) a personal service use
- c) a sub post-office
- d) a dry cleaning depot
- e) a place of assembly
- f) a private club
- g) a place of entertainment
- h) an art school, music school, dance school or fine arts school
- j) a gymnasium or health club
- k) a place of amusement
- l) a hotel
- m) a restaurant
- n) a service station
- o) a car wash
- p) a public garage
- q) a retail establishment for the sale of:
 - i) motor vehicles
 - ii) motor vehicle parts
 - iii) building products and contractor supplies
 - iv) farm equipment
 - v) farm supplies, grain and feed
 - vi) boats, trailers, travel trailers and mobile homes
 - vii) furniture and appliances.
- r) a nursery or greenhouse
- s) a funeral parlour
- t) a police station
- u) an ambulance station
- v) a fire hall
- w) a church
- x) a library, museum or art gallery
- y) an animal hospital or veterinary office
- z) a rental establishment

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| aa) | a printing shop |
| bb) | a flea market |
| cc) | an auction hall |
| dd) | a parking lot or parking garage |
| ee) | a miniature golf course |

In addition to the above uses, the zoning also proposes a bank, loan company or other financial institution as a permitted use.

The draft zoning amendment provides for site specific regulations to ensure minimum widths of landscaped space adjacent to residential lands of 10m from the westerly side lot line.

The draft zoning amendment conforms to the existing Official Plan designation of the property and will permit the use of the lands in compliance with the current policies. The property will be developed with parking and standards in accordance with the City's Zoning By-Law. Landscape treatment and stormwater management facilities will be required through Site Plan Approval.

c) Site Development

Site Plan Approval will apply to the redevelopment of the subject lands to address matters such as parking layout, landscaping, stormwater management, driveway entrances, pedestrian walkways and the dedication of lands for future road widening.

The applicant proposes to replace the existing dwellings with a single storey commercial building and associated parking. The requirement for additional road widening along Lansdowne Street West has been reflected on the concept site plan submitted in support of the rezoning application. In response to the comments received from the circulation of this application, the use of the westerly portion of the site has been identified for bank versus restaurant and the loading space removed from the south west corner of the lot on the applicant's concept site plan.

RESPONSE TO NOTICE

a) Significant Agency Responses:

Utility Services Department

The City's Utility Services Department has requested that the proposed rezoning be made conditional on the applicant entering into a Site Plan Agreement with the City and ensure that adequate servicing capacity exists downstream.

Based on preliminary review of the Concept plan and Functional Servicing Report circulated with the application, the Utility Services Department notes that a road widening across the full frontage of the subject lands of 3.05m in width, is to be conveyed to the City. The revised site plan illustrates the road widening.

Utility Services has requested that cash in lieu of parkland is recommended where required.

Peterborough Utilities Services

Water Utilities has commented that it has no issue with the proposed rezoning and indicate that development charges will apply.

No further agency has expressed any significant concerns or requests with respect to the proposed rezoning of the subject property.

b) Summary of Public Responses:

Notice of Complete Application was issued by newspaper advertisement (Peterborough Examiner) on May 26, 2012 and May 31, 2012. Notice of Public Meeting was issued by direct mail and by newspaper advertisement (Peterborough Examiner) on July 30, 2012. The notice complies with the requirements of the Planning Act.

Planning Staff have received written comments expressing opposition/concern to the application from the Downtown Business Improvement Area, from residents of Cahill Drive, Pinewood Drive and Waddell Avenue, and from William Ball and Bev Bovair of Waddell Avenue regarding the proposal for rezoning.

The Downtown Business Improvement Area recommends that applications that introduce new commercial lands outside of the downtown should be held until appropriate reporting and monitoring procedures have been completed to ensure there is no additional detrimental effect to the downtown.

William Ball and Bev Bovair indicate that they will object to the zoning change if the City does not support their request for a curb cut at Lansdowne Street for a back driveway. Mr. Ball and Ms. Bovair own a property that fronts onto Waddell Avenue with a permanent driveway to Waddell Avenue. An agreement with the City gives them a limited right-of-way over a one foot reserve, and permits them to use the rear driveway for certain temporary purposes. Throughout the Lansdowne Street West reconstruction process, the City indicated that a curb cut would not be provided for this temporary access, to discourage regular use of access to this lot from Lansdowne Street West. In response to the above comments, Utility Services staff have indicated that as compared to the proposed commercial development, the residential property has an alternative access from Waddell Avenue; the commercial development has no alternative access; and the commercial development will result in an overall reduction of the number of access points onto Lansdowne Street West from a total of 4 to 2 driveways.

Comments from area residents express concern with the proposed draft plan of subdivision and rezoning on the adjacent lands with regard to the proposed lot sizes and the road configuration. These concerns are not relevant to the subject application for the northerly portion of the lands for commercial purposes.

No further written comments have been received as of August 2, 2012.

Submitted by,

Ken Hetherington,
Manager, Planning Division

Prepared by,

Concurred with,

Caroline Kimble,
Land Use Planner

Malcolm Hunt, Director
Planning and Development Services

Contact Name:

Caroline Kimble
Planner, Land Use
Planning & Development Services
Phone – 705-742-7777 Ext. 1735
Toll Free - 1-855-738-3755 Ext. 1735
Fax – 705-742-5218
E-Mail – ckimble@peterborough.ca

Attachments:

Exhibit A - Land Use Map

Exhibit B - Site Plan

Exhibit C - Draft Zoning By-law Amendment

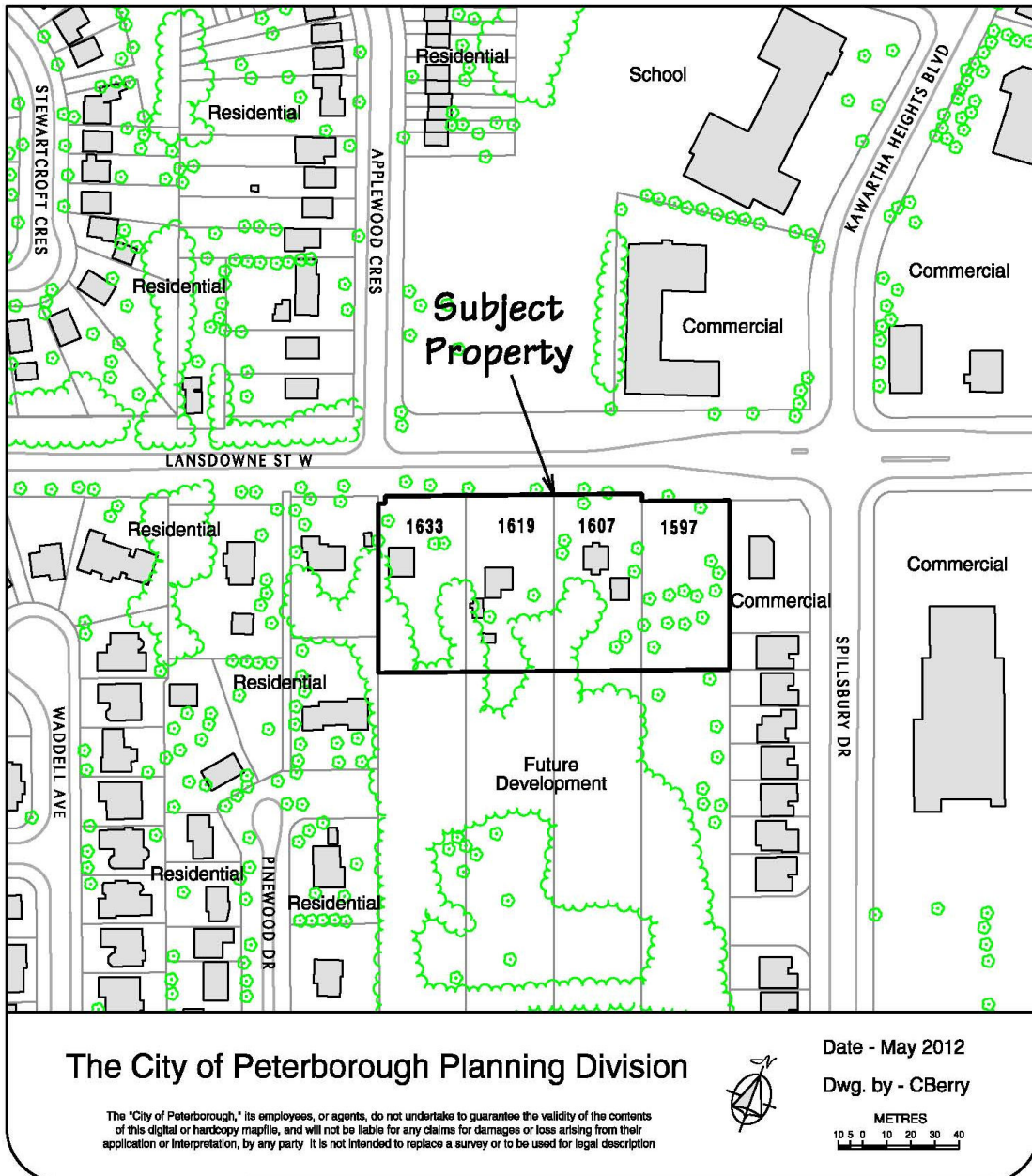
Exhibit 'A'

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Land Use Map

File # z1214

Property Location: North Parts 1597,1607,1619,1633 Lansdowne St W



THE CORPORATION OF THE CITY OF PETERBOROUGH

Exhibit 'C'
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BY-LAW NUMBER 12- _____

**BEING A BY-LAW TO AMEND THE ZONING FOR
PARTS OF 1607, 1619 AND 1633 LANSDOWNE STREET WEST**

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL
THEREOF HEREBY ENACTS AS FOLLOWS:

1. Section 3.9 Exceptions of By-law 97-123 is hereby amended by replacing Exception 244 with the following:

"244. A bank, loan company, or financial institution shall be a permitted use."
2. Map 20 forming part of Schedule "A" to By-law 97-123 is amended by changing the area shown on the sketch attached hereto as Schedule "A" **from R.1, 1e, 2e, 4d – Residential District and from D.2 – Development District to the SP.268 - 244 – Special Commercial District.**

By-law read a first, second and third time this _____ day of _____, 2012.

Daryl Bennett, Mayor

John Kennedy, City Clerk

